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8  
9 **UNITED STATES DISTRICT COURT**  
10 **DISTRICT OF NEVADA**

11 BANK OF AMERICA, N.A.,

12 Plaintiffs,

Case No.: 2:14-cv-885-JCM-GWF

13 vs.

14 SAMUEL R. BAILEY, et al.,

15 Defendants,

**STIPULATION AND ORDER**  
**TO EXTEND DEADLINE TO**  
**FILE PRETRIAL ORDER**  
**(NINTH DISCOVERY**  
**DEADLINE REQUEST)**

16  
17 SAMUEL R. BAILEY,

18 Counterclaimants,

19 vs.

20 BANK OF AMERICA, N.A., WESTCORLAND  
21 TITLE INSURANCE COMPANY, a Florida  
Corporation, and NEVADA TITLE COMPANY,  
22 a Nevada Corporation,

23 Counterdefendants.  
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1     **STIPULATION AND ORDER TO EXTEND DEADLINE TO FILE PRETRIAL ORDER**  
2     **(NINTH DISCOVERY DEADLINE REQUEST)**

3             Defendant Samuel R. Bailey (“Defendant”) by and through the law firm of Schwartz  
4     Flansburg PLLC and Plaintiff Bank of America, N.A. (“Plaintiff”) by and through the law firm  
5     of Holley Driggs Walch Fine Wray Puzey & Thompson (Defendant and Plaintiff collectively  
6     “Parties”) hereby stipulate and agree to extend the deadline to file the Pretrial Order which is  
7     currently due on October 21, 2017 as follows:

8             Based on the following, the Parties hereto respectfully request an extension to file the  
9     Pretrial Order to be continued for 30 days, as follows:

- 10            1.     The Parties stipulated to new deadlines on August 5, 2016 (ECF No. 64).
- 11            2.     Thereafter, the Parties attended a Mediation at which some of the claims were  
12     resolved.
- 13            3.     Between Plaintiff/Counterdefendant BANA and Defendant/Counterclaimant  
14     Bailey, the case was not resolved.
- 15            4.     Following the Mediation, Defendant/Counterclaimant Bailey took the deposition  
16     of the 30(b)(6) designee for Plaintiff/Counterdefendant BANA. The date for the 30(b)(6)  
17     deposition had been set prior to Mediation and was set forth and contemplated in the  
18     August 5, 2016 discovery stipulation (EFC No. 64).
- 19            5.     Plaintiff/Counterdefendant BANA filed a Motion for Summary Judgment on  
20     October 14, 2016 (ECF No. 68).
- 21            6.     Defendant/Counterclaimant Bailey filed a Motion for Summary Judgment on  
22     October 31, 2016 (ECF No. 70).
- 23            7.     On June 22, 2017, the Court granted in part and denied in part  
24     Plaintiff/Counterdefendant BANA’s Motion for Summary Judgment (ECF No. 76).
- 25            8.     On June 22, 2017, the Court denied Defendant/Counterclaimant Bailey’s  
26     Motion for Summary Judgment (ECF No. 76).
- 27            9.     On July 19, 2017, BANA filed a Motion to Bifurcate Trial (ECF No. 77).
- 28            10.    On August 2, 2017 Bailey filed a Response to Motion to Bifurcate Trial (ECF No.

1 80).

2 11. On August 18, 2017, BANA filed a Reply to its Motion to Bifurcate Trial (ECF  
3 No. 84).

4 12. On August 18, 2017, the Court granted a Stipulation to Extend Time to Reply to  
5 Motion to Bifurcate (ECF No. 85).

6 13. On September 21, 2017, the Court denied the Motion to Bifurcate Trial (ECF No.  
7 88).

8 14. The parties desire a final opportunity to discuss settlement and potentially  
9 schedule a mediation.

10 **LR26-4 Statement:**

11 Good cause and/or excusable neglect exist to extend Pretrial Order deadline for the  
12 express purpose of exploring a renewed mediation and settlement negotiations between the  
13 Parties.

14 The current deadline to file the Pretrial Order is October 21, 2017 and the Parties request  
15 that the deadline to file the Pretrial Order be continued for 30 days.

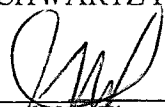
16 IT IS SO STIPULATED.

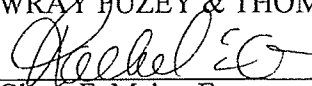
17 Dated this 17<sup>th</sup> day of October, 2017

Dated this 17<sup>th</sup> day of October, 2017

18 SCHWARTZ FLANSBURG PLLC

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Dated this 23rd day of October, 2017.

*George Foley Jr.*  
U.S. MAGISTRATE JUDGE

SCHWARTZ FLANSBURG PLLC

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An employee of Schwartz Flansburg PLLC